

ACKNOWLEDGMENTS

1. The Examiner acknowledges receipt of the amendment filed 6/3/08 wherein claims 1, 2, 4, 5, 8, 11, and 14-18 were amended, and claims 19-23 were added.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Csaba Henter on 9/15/08.

The application has been amended as follows:.

Please replace claim 19 with the following.

19. (New) The method according to claim 1, wherein in the compound Y1 represents $-(CH_2)_pCONH-$ and p represents an integer of 1 to 4.

Please cancel claim 20.

ALLOWABLE CLAIMS

3. Claims 1, 2, 4, 5, 8, 11-19, and 21-23 are allowable over the prior art of record. In particular, the claims are distinguished over the prior art of record because the prior art neither anticipates nor renders obvious the *in vivo* use of compounds as set forth in independent claim 1 for use in fluorescence imaging. Also, a double patenting rejection

was not made over the parent application because the patented claims disclose that the compound is useful for photographic purposes to enhance an image (this is not an in vivo use). Specifically, in the parent application 10/344,273 (US Patent No. 6,939,975), the photographic material is exposed by scanning with a semiconductor laser at a desired wavelength. development of the material involved using a developer and fixer in a roller transportation automatic processor (see US Patent No. 6,939,975, column 58, lines 59-63).

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (571) 272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. Jones/
Primary Examiner
Art Unit 1618

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